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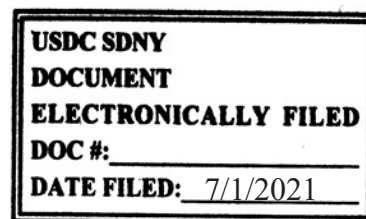
DAYTON

WASHINGTON, D.C.

June 29, 2021

VIA ECF

Hon. Katharine H. Parker
 United States Magistrate Judge
 Southern District of New York
 Daniel Patrick Moynihan United States Courthouse
 500 Pearl Street
 New York, New York 10007



APPLICATION GRANTED

Katharine H. Parker
 Hon. Katharine H. Parker, U.S.M.J.

7/1/2021

Re: *Spectrum Dynamics Medical Limited v. General Electric Company, et al.*,
 Case No.: 18-cv-11386 (VSB)

Dear Judge Parker:

On behalf of Defendant General Electric Company ("GE"), we write pursuant to Your Honor's Individual Rule of Practice III(d), and the parties' Stipulated Confidentiality and Protective Order (the "Protective Order") (Dkt. 156) to request leave to file under seal GE's Letter Motion in Opposition to Plaintiff's Claw-Back Challenge Letter (the "Motion") and Exhibits thereto filed today.

The presumption of public access to judicial documents can be overcome if countervailing factors warrant confidentiality. *See Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 120 (2d Cir. 2006); *see also Nixon v. Warner Commc'ns Inc.*, 435 U.S. 589, 598 (1978). Sealing of records may be justified to preserve "higher values," including the need to protect an entity from competitive injury. *Lugosch*, 435 F.3d at 124; *see also Tropical Sails Corp. v. Yext, Inc.*, No. 14-cv-7582, 2016 U.S. Dist. LEXIS 49029, at *10-11 (S.D.N.Y. Apr. 12) (risk of "competitive injury is sufficiently serious to warrant protection" of proprietary business information). Consistent with this, courts routinely permit sealing and redaction of competitively sensitive proprietary business information or information subject to a claim of privilege. *See, e.g., Louis Vuitton Malletier S.A. v. Sunny Merch. Corp.*, 97 F. Supp. 3d 485, 511 (S.D.N.Y. 2015); *Encyclopedia Brown Prods., Ltd. v. Home Box Office, Inc.*, 26 F. Supp. 2d 606, 614 (S.D.N.Y. 1998); *see also Nixon*, 435 U.S. at 598 (recognizing need to seal information that might "harm a litigant's competitive standing").

Here, the Motion and its exhibits discuss and reflect information that GE has designated Highly Confidential under the Protective Order and which is subject to GE's ongoing assertion of the attorney client privilege.

GE respectfully requests that the Court permit filing of the Motion and Exhibits thereto under seal.

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Very truly yours,

/s/ Marla R. Butler

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cc: All Counsel of Record via ECF